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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,452	10/22/2003	Lawrence E. Hannon	HANN-001	1974

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EXAMINER

VALENTI, ANDREA M

ART UNIT PAPER NUMBER

3643

DATE MAILED: 06/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/692,452

Applicant(s)

HANNON, LAWRENCE E.

Examiner

Andrea M. Valenti

Art Unit

3643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>2</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Claim 2 is objected to because of the following informalities: 'wall support' should be --support wall--. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 7-13, and 15-20 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 2,045,472 to Kearney et al.

Regarding Claim 1, Kearny teaches an animal pen with a body (#3) having a top surface and a bottom surface opposite the top surface, the body being flexible, the body defining a support wall (Fig. 2 #2) proximate a perimeter of the body, the support wall configured to support a pen wall (Fig. 1 element A) disposed on the top surface of the body, wherein the support wall is configured to demountably couple to the pen wall.

Regarding Claim 2, Kearny teaches the wall support at least partially encloses the pen wall proximate to the perimeter (Fig. 1 #2)

Regarding Claim 3, Kearny teaches an attachment element (#9) coupled to the support wall and the pen wall

Regarding Claim 4, Kearny teaches the body (#3) is a flexible material.

Art Unit: 3643

Regarding Claim 5, Kearny teaches the body has at least one mounting element (Fig. 4 #11) configured to couple with the attachment element.

Regarding Claim 7, Kearny teaches the handle (Fig. 1 #3 vertical portion in center) is formed in the body.

Regarding Claim 8, Kearny teaches the body is configured to encase (Fig. 1) the pen wall and is configured to form a carrying enclosure for the pen wall.

Regarding Claims 9, 12-13, and 18-20, Kearny teaches the flexible body (#3) is configured to be foldable about at least one fold line.

Regarding Claim 10, Kearny inherently teaches the body (#3) is configured to be resistant to abrasion.

Regarding Claim 11, Kearny teaches the body is configured to mount to a multisided animal pen (Fig. 1).

Regarding Claim 15, Kearny teaches the pen platform (#3) is configured with multiple discrete edges configured to align with an individual section of the pen wall (element A), wherein the individual section of the pen wall is substantially planar.

Regarding Claim 16, Kearny teaches the pen platform and the pen wall form a carrying case the pen wall contained within the pen platform (Fig. 1).

Regarding Claim 17, Kearny teaches the wall portion is configured to prevent the pen wall from moving along the surface (#7).

Claims 1-5, 7-13, and 15-20 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,544,864 to Lacki et al.

Art Unit: 3643

Regarding Claim 1, Lacki teaches an animal pen with a body (#14) having a top surface and a bottom surface opposite the top surface, the body being flexible (#16), the body defining a support wall proximate a perimeter of the body, the support wall configured to support a pen wall (#30) disposed on the top surface of the body, wherein the support wall is configured to demountably couple (#62) to the pen wall.

Regarding Claim 2, Lacki teaches the wall support at least partially encloses the pen wall proximate to the perimeter (Fig. 1 #30 and #14).

Regarding Claim 3, Lacki teaches an attachment element (#62) coupled to the support wall and the pen wall

Regarding Claim 4, Lacki teaches the body is a flexible material (#16).

Regarding Claim 5, Lacki teaches the body has at least one mounting element (#62) configured to couple with the attachment element.

Regarding Claim 7, Lacki teaches the handle (#46) is formed in the body

Regarding Claim 8, Lacki teaches the body is configured to encase the pen wall and is configured to form a carrying enclosure for the pen wall (Fig. 3).

Regarding Claims 9, 12-13, and 18-20, Lacki teaches the flexible body is configured to be foldable about at least one fold line (#16).

Regarding Claim 10, Lacki teaches the body (Fig. 3) is configured to be resistant to abrasion.

Regarding Claim 11, Lacki teaches the body is configured to mount to a multisided animal pen (Fig. 1).

Art Unit: 3643

Regarding Claim 15, Lacki teaches the pen platform (#14, 8, 12) is configured with multiple discrete edges configured to align with an individual section of the pen wall (Fig. 1), wherein the individual section of the pen wall is substantially planar.

Regarding Claim 16, Lacki teaches the pen platform and the pen wall form a carrying case the pen wall contained within the pen platform (Fig. 3).

Regarding Claim 17, Lacki teaches the wall portion is configured to prevent the pen wall from moving along the surface (Fig. 1).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 2,045,472 to Kearney et al.

Regarding Claims 6 and 14, Kearny teaches the coupling element (#9) has a hook (#12) disposed on a first end of the cord, the hook is configured to demountably couple to the pen wall and the cord is configured to attach to the at least one mounting element at a second end (Fig. 4). Kearny teaches a rod, but is silent on the cord. However, it would have been obvious to one of ordinary skill in the art to modify the teachings at the time of the invention since the modification is merely an engineering design choice involving the selection of a old and notoriously well-known alternate

Art Unit: 3643

equivalent connection means selected for ease of manufacturing or to meet certain weight or cost design parameters.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 2,464,866; U.S. Patent No. 5,544,619; Japanese Patent JP 4144623 A; U.S. Patent No. 5,497,729; U.S. Patent No. 5,063,876; U.S. Patent No. 5,803,018; U.S. Patent No. 5,626,098; U.S. Patent No. 5,582,135; U.S. Patent No. 4,590,885; U.S. Patent No. 844,955; U.S. Patent No. 3,018,493.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrea M. Valenti whose telephone number is 703-305-3010. The examiner can normally be reached on 7:30am-5pm M-F; Alternating Fridays Off.

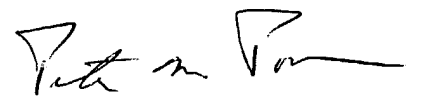
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on 703-308-2574. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3643

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Andrea M. Valenti
Examiner
Art Unit 3643

25 May 2004


Peter M. Poon
Supervisory Patent Examiner
Technology Center 3600